

MEMORANDUM OF UNDERSTANDING (MOU)

By and between

THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)

and

THE [MPO Name]

for the

THE ESTABLISHMENT OF A PROCESS TO FACILITATE INFRASTRUCTURE CONDITION AND SYSTEM PERFORMANCE TARGET SETTING FOR THE FAST ACT PERFORMANCE MEASURES

WHEREAS, 23 USC 150(c) establishes requirements for performance measures and targets for safety, infrastructure condition, system performance, freight, and air quality; and

WHEREAS, the pertinent federal regulations require an agreement between CDOT, [MPO Name], and public transit agencies, including activities related to transportation system performance; and

WHEREAS, the Fixing America's Surface Transportation Act "FAST Act" and subsequent Federal rulemaking established six measures performance measures related to Infrastructure condition. The measures are:

1. Percent of Interstate Pavement in Good Condition;
2. Percent of Interstate Pavement in Poor Condition;
3. Percent of Non-Interstate National Highway Pavement in Good Condition;
4. Percent of Non-Interstate National Highway Pavement in Poor Condition;
5. Percent of National Highway System Bridges in Good Condition; and
6. Percent of National Highway System Bridges in Poor Condition.

WHEREAS, the Fixing America's Surface Transportation Act "FAST Act" and subsequent Federal rulemaking established six measures performance measures related to System Performance. The measures are:

1. Percent of the Interstate System providing Reliable Travel Times;
2. Percent of the non-Interstate National Highway System providing Reliable Travel Times;
3. Percent of the Interstate System providing for reliable Truck Travel Times;
4. Annual Hours of Peak-Hour Excessive Delay per capita;
5. Percent of non-SOV travel; and
6. Total emissions reduction benefits in nonattainment and maintenance areas for CMAQ criteria pollutants.

WHEREAS, Federal regulations require state departments of transportations to establish and report targets related to each of these infrastructure condition & system performance measures by May 20<sup>th</sup> every two & four years; and,

WHEREAS, CDOT has established statewide targets for the required performance measures; and,

WHEREAS, MPOs are required to either adopt and support CDOT's statewide targets or set their own targets specific to their areas within 180 days after the establishment of the CDOT targets; and,

WHEREAS, CDOT, [MPO Name] and public transit agencies shall cooperatively determine their mutual responsibilities in carrying out the metropolitan planning process pursuant to 23 USC 134 and in accordance with 23 CFR 450 and 420;

NOW, THEREFORE, in consideration of the mutual promises and representations contained herein, the parties agree as follows:

**1. Parties to Memorandum of Understanding (MOU):**

This agreement is entered by and between the State of Colorado, Department of Transportation (hereinafter referred to as "CDOT") and the [MPO Name]. This MOU provides procedures and defines roles and responsibilities identified in the Memorandum of Agreement for Transportation Planning and Programming by and between CDOT, [MPO Name].

**2. Purpose:**

The purpose of this MOU, as recited in the preamble, is to set forth the general procedures, mutually acceptable to [MPO Name] and CDOT, for the establishment of a process to facilitate infrastructure condition and system performance target setting for the FAST Act performance measures

**3. Roles, Responsibilities, and Deliverables:**

(a) As part of the target setting process, CDOT will:

1. Inform the [MPO Name] of the performance measure targets established for the state each performance period by [DATE] of each performance period.
2. Provide the data necessary to evaluate the performance for each measure within the respective MPO boundaries to [MPO Name] by [DATE] of each year.
3. Provide target setting guidance to MPOs should they decide to establish their own targets for one or more of the aforementioned performance measures.

4. Facilitate timely sharing of all available infrastructure condition and system performance data with [MPO Name]
5. Provide performance measure adoption language for [MPO Name] to incorporate into its Regional Transportation Plan; and
6. Provide staff support necessary to assist [MPO Name] with presenting the adoption of infrastructure condition and system performance targets
7. Inquire periodically the progress being made by [MPO Name] in the establishment of the aforementioned infrastructure condition and system performance targets
8. Will share with [MPO Name] the results of the FHWA determination of whether CDOT has met or made significant progress toward meeting its infrastructure condition and system performance targets

(b) As part of the target setting process, [MPO Name] will:

1. Inform CDOT by [DATE] of each performance period whether [MPO Name] intends to support the CDOT infrastructure condition and system performance targets or establish their own specific numeric targets for all the performance measures, or any combination
2. Have the [MPO Name] Board of Directors formally adopt the infrastructure condition and system performance targets through resolution, and by November 15<sup>th</sup> of each year, provide CDOT a letter confirming action of the [MPO Name] Board of Directors and the date of the approval

(c) If [MPO Name] agrees to support CDOT performance targets, the MPO will:

1. Include baseline system performance and infrastructure condition performance, targets and progress toward achieving these targets in the system performance report in the Regional Transportation Plan (RTP)
2. Include in the RTP a systems performance report evaluating the condition and performance of the transportation system with respect to the system performance and infrastructure condition performance targets described in the RTP including progress achieved by the MPO in achieving these performance targets.
3. Work with the CDOT and other pertinent stakeholders to address areas of concern for system performance and infrastructure condition concerns within the metropolitan planning area

4. Coordinate with the CDOT and include the aforementioned performance measures and the CDOT's performance targets for those measures in the RTP
  5. Integrate into the metropolitan transportation planning process, the infrastructure condition and system performance goals, objectives, performance measures and targets described in other CDOT transportation plans and processes such as applicable portions of the Risk-Based Asset Management Plan
  6. Include a description in the Transportation Improvement Program (TIP) of the anticipated effect of the TIP toward achieving infrastructure condition and system performance targets in the RTP, linking investment priorities in the TIP to those targets
- (d) If [MPO Name] establishes its own infrastructure condition or system performance targets, the MPO will:
1. Establish infrastructure condition targets for all national highway system roads in the metropolitan planning area in coordination with the CDOT
  2. Establish system performance targets for all roads as specified within the statute criteria in the metropolitan planning area in coordination with CDOT
  3. Coordinate with the CDOT and include the safety performance measures and the MPO's safety targets for those measures in the RTP
  4. Integrate into the metropolitan transportation planning process, the infrastructure condition and system performance goals, objectives, performance measures and targets described in other CDOT transportation plans and processes
  5. Include a description in the TIP of the anticipated effect of the TIP toward achieving infrastructure condition and system performance targets in the RTP, linking investment priorities in the TIP to those infrastructure condition and system performance targets

**THE COLORADO DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date \_\_\_\_\_

**The [MPO Name]**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date \_\_\_\_\_

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